

**KENTUCKY LICENSING BOARD OF HEARING INSTRUMENT SPECIALISTS
BOARD MEETING MINUTES**

**April 10, 2008
1:00 p.m.**

A regular Board meeting of the Kentucky Licensing Board for Specialists in Hearing Instruments was held at the Division of Occupations and Professions in Frankfort, Kentucky on April 10, 2008.

BOARD MEMBERS PRESENT

Steve Clark
Lisa Brown
Brian Schreiner
Wilma McMillian
Mike Stone
Charles Robinette
Michael Hoagland

Mark Brengelman – Assistant Attorney General
Board Counsel

OCCUPATIONS & PROFESSIONS STAFF

Carolyn Kyler, Board Administrator
Gerald Hoppmann, Director
Susan Ellis, Division Staff

BOARD MEMBERS NOT PRESENT

Greg Osetinsky, M.D
Jeff Brown

OTHERS

Jana Smith, Executive Director F&A Cabinet
Ryan Halloran, Office of the Attorney General

CALL TO ORDER

Mr. Clark called the meeting to order at 1:20 p.m.

APPROVAL OF MINUTES

Mr. Stone made a motion to approve the minutes from the January 25, 2008 Board meeting. Mr. Schreiner seconded the motion. The motion carried.

FINANCIAL STATEMENT

Ms. Ellis reported that no HIS Board funds had been captured during the most recent legislative session. Mr. Robinette made a motion that the financial statement be approved as submitted. McMillian seconded the motion. The motion carried.

DIRECTOR'S REPORT

Mr. Hoppmann discussed information in the agenda packet from Virginia Woodward, Executive Director of Boards and Commissions, regarding their efforts to fill board vacancies and expired appointments. He then reported to the Board that two new members had been appointed by the Governor effective April 9, 2008.

Ms. Gerry Gordon Brown will replace Ms. McMillian representing consumer members and Arthur L. Azar will fill the expired term of Mr. Clark. Board members expressed their thanks and appreciation to both outgoing board members. The new members are expected to be sworn in at the next meeting, scheduled for May 28, 2008.

Correspondence from the Office of the Attorney General was reviewed. In conjunction with the rate increase, that will become effective July, 2008, they stated that they would have a staggered fee schedule. The fee for general legal services, which would include drafting of regulations, preparing for and attending board meetings, correspondence, and telephone calls, will be \$100.00 per hour. The fee for litigation will be \$125.00 per hour.

CLOSED SESSION

At 1:30 p.m., and in accordance with KRS 61.810 Section 1(f) which states "All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following: (f) Discussions or hearing which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting the employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret," Mr. Stone made a motion to go into closed session. Ms. Brown seconded the motion. The motion carried.

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At 11:50 a.m. Mr. Hoagland made a motion to come out of closed session. Mr. Stone seconded the motion. The motion carried.

Mr. Stone made a motion that the Board continue to obtain legal services through the Office of the Attorney General. Ms. McMillian seconded the motion. The motion carried.

NEW BUSINESS

The revised fee regulation was presented to the Board for final review and approval. Mr. Hoagland made a motion to accept the regulation as written. Mr. Robinette seconded the motion. The motion carried.

The Board expressed their gratitude and appreciation to outgoing Board members, Mr. Clark and Ms. McMillian, for their dedication and service to the Board. The Board acknowledged their willingness and dedication to service and noted that they would be missed.

Ms. Brown made a motion that Mr. Hoagland be nominated as Board chair to fill the vacancy that would be left by Mr. Clark being replaced. Mr. Hoagland would begin serving as Board chair at the conclusion of today's meeting. Mr. Stone seconded the motion. The motion carried. The replacement of Mr. Clark also left a vacancy on the complaint committee. Mr. Clark appointed Charlie Robinette to fill that vacancy. Mr. Robinette accepted the appointment.

Mr. Stone made a motion that the Board generate a newsletter to be sent with the 2009 – 2010 renewal applications with general information and updates on the laws and regulations. Ms. Brown seconded the motion. The motion carried.

OLD BUSINESS

Mr. Hoppmann reported that the Speech Language Pathology and Audiology Board's housekeeping bill (HB 29) was moving through the process on track for approval. A non-related amendment had been tacked onto it but wasn't expected to cause any problems.

COMPLAINTS

Mr. Clark made a motion for the Board to accept the Complaint Committees report as follows:

04-007 – The Defendant is continuing to make payments. The case has been referred for further investigation and is ongoing.

05-005 – *HIS Board v. Arthur Azar*, Agency Case No. 05-005, Administrative Action No. 06-KBHI-0169. Board appealing the decision to the Kentucky Court of Appeals.

06-010 – Board moved to file a Notice of Administrative Hearing and Order

06-010(A) – Board moved to file a Notice of Administrative Hearing and Order

06-016 – Ongoing

06-019 – Formal Charges filed.

06-020 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

06-027 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

06-030 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

06-031 – Ongoing

07-003 – Formal Charges Filed

07-004 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-005 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-007 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-008 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-009 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-013 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-014 – Notice of Administrative Hearing and Order and Formal Complaint Filed.

07-018 – Notice of Administrative Hearing and Order and Formal Complaint amended to include charges in this case.

07-019 – Ongoing

07-020 – Ongoing

07-021 – Ongoing

08-001 – Dismissed – No violation of law found.

08-002 – Dismissed – No violation of law found.

08-003 – Dismissed – Matter resolved and no violation of law found.

08-004 – Ongoing

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The motion was seconded by Ms. McMillian. Motion carried.

Mr. Hoagland, being recused, left the room during the discussion involving 06-019, 06-020, 06-027, 06-030, 07-003, 07-004, 07-005, 07-007, 07-008, 07-013, and 07-018 did not vote on any action taken.

APPLICATION REVIEW

Mr. Schreiner made a motion for the Board's acceptance of the following applications as follows:

APPROVED

Ann Burns under the sponsorship of Rhonda Johnson.

DEFERRED

Erica L. Oswald and Chad Seaton.

DENIED

No applications denied.

CONTINUING EDUCATION

Beltone - 2008 Beltone National Meeting – approved for up to 5 hours.

Wides Hearing Aid Company – WMS10: Do it with Passion – for up to 5 hours.

The motion was seconded by Ms. Brown. The motion carried.

APPROVAL OF TRAVEL & PER DIEM

Mr. Stone made a motion to approve the travel and per diem. The motion was seconded by Mr. Schreiner. The motion carried.

NEXT MEETING

The next meeting is scheduled for May 28, 2008. Complaint Committee will meet at 10:00 a.m. Board meeting will meet at 1:00 p.m.

ADJOURNMENT

Having no further business before the Board, Mr. Robinette made a motion that the meeting be adjourned at 3:45 p.m. The motion was seconded by Ms. Brown. The motion carried.

Approved